

Message

From: Chesnutt, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E1CD369E94474C2C8A876FB16943320A-JCHESNUT]
Sent: 5/7/2019 3:15:44 PM
To: LEE, LILY [LEE.LILY@EPA.GOV]
Subject: Re: FYI - contractor wants Non-disclosure agreement before giving us details we need for reviewing Addendum FW: Information re soil sorter for EPA's review

Interesting

On May 7, 2019, at 1:20 AM, LEE, LILY <LEE.LILY@epa.gov> wrote:

FYI, keeping you in the loop: The Navy wants to use an innovative soil sorter. Details about minimum detectable concentrations, etc. are in a "White Paper," which I have requested in writing. The subcontractor Iso Pacific asked us to sign an NDA agreement because this paper contains proprietary information. The Navy does not have this paper either and is also requesting it. I have been working with Brianna and Dave Kappelman on this email below. We cannot do a meaningful review of the Parcel G Work Plan Addendum without this information.

CDPH received a redacted version, but it did not contain sufficient information for it to do a meaningful review. CDPH has now agreed to sign an NDA to get the details. But Brianna says EPA cannot sign an NDA.

From: LEE, LILY
Sent: Tuesday, May 7, 2019 1:14 AM
To: 'lori.dillon@isopacific.net' <lori.dillon@isopacific.net>
Cc: 'Stoick, Paul T CIV USN (USA)' <paul.stoick@navy.mil>; David Kappelman (Kappelman.David@epa.gov) <Kappelman.David@epa.gov>; Karla Brasaemle (kbrasaemle@techlawinc.com) <kbrasaemle@techlawinc.com>; Fairbanks, Brianna <fairbanks.brianna@epa.gov>
Subject: Information re soil sorter for EPA's review

Dear Lori,

Thank you for working on getting us written details about the soil sorter proposed for use at the Hunters Point Naval Shipyard. To evaluate whether your proposed system would be able to have the sensitivity needed to verify compliance, we would like some additional details below.

Even though EPA cannot sign an NDA agreement, we can protect information as Confidential Business Information (CBI). Here is a link to the applicable federal regulations:

<https://www.law.cornell.edu/cfr/text/40/part-2/subpart-B>

I would like to suggest that you send the details directly to my health physicist David Kappelman at EPA Headquarters Superfund Environmental Response Team and to my geologist Karla Brasaemle at Tech Law Inc. They have both have received official training in handling CBI, and their offices both have locked cabinets for the purpose of storing CBI material. I am cc'ing them. They can provide their contact information and any information you need about their CBI protection approaches. In addition, I am cc'ing my attorney Brianna Fairbanks, who can provide legal guidance.

Here are more details about information that will be helpful to us:

- We would like the (S3) “a-priori” MDC calculations including assumptions and equations used (show the math). In addition we would like the actual calculations and inputs to the real time alarm levels and MDC calculations.
- Will there be a real time MDC calculation that is performed for every analyzed “sector” of the detector array and saved with the “historian” for the date/time stamped ROI “count rates” too?
- What reference was used for selecting the ROI beginning/endpoint energies? What standard are you using?
- What energy window would you put around Ac-228 for quantifying Ra-228?
- Why would ROI 2 not be set up to alarm for Bi-214?
- What radon progeny factor will be included in ROI 2 for interfering Ra-226 concentration without the soil being in secular equilibrium?
- Will a sample of material always be taken from an alarming sector?
- If no alarms are generated, what will be the minimum number of daily samples taken from the “belt” following the detector array analysis?
- Will laboratory sample results be compared with S3 detector count rates?

Thank you for getting information necessary for our review of the Parcel G Work Plan Addendum. Please let me know anything I can do to facilitate this process so that we can get our comments to the Navy in a timely manner.

- Lily